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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,193	12/21/2001	Laurent Chatelier	PF990042	3992
24498	7590	02/23/2007	EXAMINER	
JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2623	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/23/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/019,193	CHATELIER ET AL.	
	Examiner Annan Q. Shang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 November 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claims 2-3 are objected to because of the following informalities:
2. In claim 2, line 4, the phrase "...such an absence is detected..." should be changed to "...such a presence is detected..." in order to provide a proper antecedent basis for the claimed "...presence of service..." since the phrase "...such an absence..." is not recited anywhere in the claim limitation. Appropriate correction is required.

In claim 3, line 1, the phrase "...of an service..." should be changed to "...of a service..." Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Herz et al (5,758,257)** in view of **Cuccia (6,337,719)**

As to claim 1, note the **Herz** reference figures 1-2, 4-6 and 9, discloses system and method for scheduling broadcast of an access to video programs and other data using customer profiles and method for managing the broadcast service lists in the TV receiver (Multimedia Terminal, fig.9), containing a central unit (Processor 906), reception means for receiving and storing broadcast services and services lists, a

memory (904) containing a program, a memory for storing at least one customized list of services, the method comprising the steps of:

Receiving a update of a list of at least one service available (list of Program: types of Movies, etc.,) to the receiver storing (Memory 904) at least one customized list of services (col.9, line 30-51, col.22, line 39-col.24, line 58, col.25, lines 45-48 and col.25, line 51+)

Triggering a consistency check between the at least one customized listing of services (favorite number of movies of channels) and the update of the listing of the at least one services where the triggering step is chosen by an application in the receiver (col.23, line 53-col.24, line 58, col.26, line 51-col.27, line 46, col.29, line 6-51, col.30, line 20+ and col.45, lines 9-55).

Herz teaches receiving a customized listing, storing the listing in Memory 904 and Processor 906, consistently checks the stored listing and dynamically modifies the listing according, but fails to explicitly teach performing the adjustment or modification of the listing, as not to disrupt the receiver use.

However, note the **Cuccia** reference, discloses an apparatus for receiving signals (EPG, etc.) during power-off (stand-by) mode, stores the signals and automatically updates the EPG during any or these modes: stand-by mode, when remote control signals are not being received, just after or before power-on/stand-by, nightly, etc.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Cuccia into the system of Herz to update

the listing at moments which are minimally inconvenient to the user, in order not to disrupt other operations of the processor when the user is actively using the receiver, thereby decreasing the response time in processing events when the receiver is actively being used.

As to claims 2-3, Herz further discloses verifying the presence of a service in the at least one stored list which is not in the updated list, and in the case such presence is detected, deleting the service from the stored list and where the deletion of service from the stored list is carried out after a predetermined number of checks reveal the presence of the service in the update list (col.22, line 39-col.23, line 18, line 19-col.24, line 58, col.25, line 45-col.26, line 24, line 51-col.27, line 1+ and col.29, line 6+).

As to claim 4, Herz further discloses where consistency check comprises, a step of verifying the presence of a service of a stored list in the updated list, and in case such presence is detected, comparing whether parameters relative to the detected service and stored in the stored list corresponding to detected service are similar to parameters relative to the detected service in the updated list, and in case of difference between the parameters, updating the parameters of the detected service in the stored list (col.22, line 39-col.23, line 18, line 19-col.24, line 58, col.25, line 45-col.26, line 24, line 51-col.27, line 1+ and col.29, line 6+).

As to claim 5, Herz teach where a consistency check of a stored list is triggered when an application for editing the at least one stored list is launched, but fails to explicitly teach updating at a predetermined time of the day.

However, Cuccia further discloses a method consistency check of a stored list is triggered: when an application for editing the at least one stored list is launched and/or at a predetermined time of the day (col.20-55 and col.5, lines 1-12).

Therefore it would have been obvious to one of skill in the art at the time of the invention to incorporate the teaching of Cuccia into the system of Herz to update the listing at predetermined time of the day, example night time in order not to disrupt other operations of the processor when the user is actively using the receiver, thereby decreasing the response time in processing events when the receiver is actively being used.

As to claim 6, the claimed "Receiver for a digital TV..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claims 7-8, Herz further discloses where the TV system allows the user to select a service of the customized list and for updating the customized list, which is triggered if the selected service is not in the updated list where a counter counts the number of times when a service in the customized list is not in the update list, and an erasing means, which deletes the service from the customized list which is activated when the counter reaches a predetermined value (col.22, line 39-col.23, line 18, line 19-col.24, line 58, col.25, line 45-col.26, line 24, line 51-col.27, line 1+ and col.29, line 6+).

As to claim 9-10, Herz further discloses where the predetermined number is more than one and where the counter counts at least two times before the erasing means deletes the service from the customized list (col.23, line 62-col.24, line 58, col.27, line 15-col.28, line 1+ and col.30, line 20+).

Response to Arguments

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. This office action is made final.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Payton (6,681,247) discloses collaborator discovery method and system.

Nielsen (6,055,570) discloses subscribed updated monitors.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

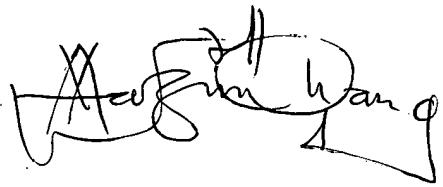
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



Annan Q. Shang